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PTO/SB/05 (4/98)
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UTILITY PATENT APPLICATION TRANSMITTAL (Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))	Attorney Docket No.	P3814
	First Inventor or Application Identifier	Mario Nemirovsky et al.
	Title	Methods and Apparatus for Background Memory Management
	Express Mail Label No.	EJ745193044US

APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.	ADDRESS TO: Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
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<p>1. <input checked="" type="checkbox"/> * Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing)</p> <p>2. <input checked="" type="checkbox"/> Specification [Total Pages 18] (preferred arrangement set forth below)</p> <ul style="list-style-type: none">- Descriptive title of the invention- Cross References to Related Applications- Statement Regarding Fed sponsored R & D- Reference to Microfiche Appendix- Background of the invention- Brief Summary of the invention- Brief Description of the Drawings (if filed)- Detailed Description- Claim(s)- Abstract of the Disclosure <p>3. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets 3]</p> <p>4. Oath or Declaration [Total Pages 2]</p> <ul style="list-style-type: none">a. <input checked="" type="checkbox"/> Newly executed (original or copy)b. <input type="checkbox"/> Copy from a prior application (37 C.F.R. § 1.63(d)) (for continuation/divisional with Box 16 completed)i. <input type="checkbox"/> <u>DELETION OF INVENTOR(S)</u> Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b). <p>* NOTE FOR ITEMS 1 & 13: IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.27), EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.28).</p>	<p>5. <input type="checkbox"/> Microfiche Computer Program (Appendix)</p> <p>6. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)</p> <ul style="list-style-type: none">a. <input type="checkbox"/> Computer Readable Copyb. <input type="checkbox"/> Paper Copy (identical to computer copy)c. <input type="checkbox"/> Statement verifying identity of above copies <p>ACCOMPANYING APPLICATION PARTS</p> <p>7. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))</p> <p>8. <input type="checkbox"/> 37 C.F.R. § 3.73(b) Statement <input checked="" type="checkbox"/> Power of Attorney (when there is an assignee)</p> <p>9. <input type="checkbox"/> English Translation Document (if applicable)</p> <p>10. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations</p> <p>11. <input type="checkbox"/> Preliminary Amendment</p> <p>12. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)</p> <p>13. <input checked="" type="checkbox"/> * Small Entity Statement(s) <input type="checkbox"/> Statement filed in prior application, Status still proper and desired (PTO/SB/09-12)</p> <p>14. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)</p> <p>15. <input checked="" type="checkbox"/> Other: Check for fees</p>
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16. If a **CONTINUING APPLICATION**, check appropriate box, and supply the requisite information below and in a preliminary amendment:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: _____

Prior application information: Examiner _____ Group / Art Unit: _____

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label  ☐ Correspondence address below

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Address: _____

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Country: _____ Telephone: _____ Fax: _____


24739
PATENT TRADEMARK OFFICE

Name (Print/Type)	Donald R. Boys	Registration No. (Attorney/Agent)	35074
Signature		Date	06/23/2000

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

FEE TRANSMITTAL		Complete if Known		
<i>Note: Effective October 1, 1997. Patent fees are subject to annual revision.</i>		Application Number	NA	
		Filing Date	06/23/2000	
		First Named Inventor	Mario Nemirovsky et al.	
		Group Art Unit	NA	
		Examiner Name	NA	
TOTAL AMOUNT OF PAYMENT	(\$)	420.00	Attorney Docket Number	P3814

METHOD OF PAYMENT (check one)	FEE CALCULATION (continued)																																																																																																																								
<p>1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number <input type="text"/></p> <p>Deposit Account Name <input type="text"/></p> <p><input type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance</p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed:</p> <p><input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>	<p>3. ADDITIONAL FEES</p> <table border="1"><thead><tr><th>Large Entity Fee Code</th><th>Small Entity Fee Code</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>105</td><td>205</td><td>Surcharge - late filing fee or oath</td><td></td></tr><tr><td>127</td><td>227</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr><tr><td>139</td><td>139</td><td>Non-English specification</td><td></td></tr><tr><td>147</td><td>147</td><td>For filing a request for reexamination</td><td></td></tr><tr><td>112</td><td>112</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr><tr><td>113</td><td>113</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr><tr><td>115</td><td>215</td><td>Extension for reply within first month</td><td></td></tr><tr><td>116</td><td>216</td><td>Extension for reply within second month</td><td></td></tr><tr><td>117</td><td>217</td><td>Extension for reply within third month</td><td></td></tr><tr><td>118</td><td>218</td><td>Extension for reply within fourth month</td><td></td></tr><tr><td>128</td><td>228</td><td>Extension for reply within fifth month</td><td></td></tr><tr><td>119</td><td>219</td><td>Notice of Appeal</td><td></td></tr><tr><td>120</td><td>220</td><td>Filing a brief in support of an appeal</td><td></td></tr><tr><td>121</td><td>221</td><td>Request for oral hearing</td><td></td></tr><tr><td>138</td><td>138</td><td>Petition to institute a public use proceeding</td><td></td></tr><tr><td>140</td><td>240</td><td>Petition to revive - unavoidable</td><td></td></tr><tr><td>141</td><td>241</td><td>Petition to revive - unintentional</td><td></td></tr><tr><td>142</td><td>242</td><td>Utility issue fee (or reissue)</td><td></td></tr><tr><td>143</td><td>243</td><td>Design issue fee</td><td></td></tr><tr><td>144</td><td>244</td><td>Plant issue fee</td><td></td></tr><tr><td>122</td><td>122</td><td>Petitions to the Commissioner</td><td></td></tr><tr><td>123</td><td>123</td><td>Petitions related to provisional applications</td><td></td></tr><tr><td>126</td><td>126</td><td>Submission of Information Disclosure Stmt</td><td></td></tr><tr><td>581</td><td>581</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr><tr><td>146</td><td>246</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr><tr><td>149</td><td>249</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr><tr><td colspan="3">Other fee (specify) _____</td><td></td></tr><tr><td colspan="3">Other fee (specify) _____</td><td></td></tr><tr><td colspan="3">* Reduced by Basic Filing Fee Paid</td><td></td></tr></tbody></table>	Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid	105	205	Surcharge - late filing fee or oath		127	227	Surcharge - late provisional filing fee or cover sheet.		139	139	Non-English specification		147	147	For filing a request for reexamination		112	112	Requesting publication of SIR prior to Examiner action		113	113	Requesting publication of SIR after Examiner action		115	215	Extension for reply within first month		116	216	Extension for reply within second month		117	217	Extension for reply within third month		118	218	Extension for reply within fourth month		128	228	Extension for reply within fifth month		119	219	Notice of Appeal		120	220	Filing a brief in support of an appeal		121	221	Request for oral hearing		138	138	Petition to institute a public use proceeding		140	240	Petition to revive - unavoidable		141	241	Petition to revive - unintentional		142	242	Utility issue fee (or reissue)		143	243	Design issue fee		144	244	Plant issue fee		122	122	Petitions to the Commissioner		123	123	Petitions related to provisional applications		126	126	Submission of Information Disclosure Stmt		581	581	Recording each patent assignment per property (times number of properties)		146	246	Filing a submission after final rejection (37 CFR 1.129(a))		149	249	For each additional invention to be examined (37 CFR 1.129(b))		Other fee (specify) _____				Other fee (specify) _____				* Reduced by Basic Filing Fee Paid			
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SUBMITTED BY				Complete (if applicable)	
Typed or Printed Name	Donald R. Boys			Reg. Number	35,074
Signature				Date	06/23/2000
				Deposit Account User ID	

Certificate of Express Mailing

"Express Mail" Mailing Label Number: EJ745193044US

Date of Deposit: 06/23/2000

Ref: Case Docket No.: P3814

First Named Inventor: Mario Nemirovsky et al.

Serial Number: NA

Filing Date: 06/23/2000

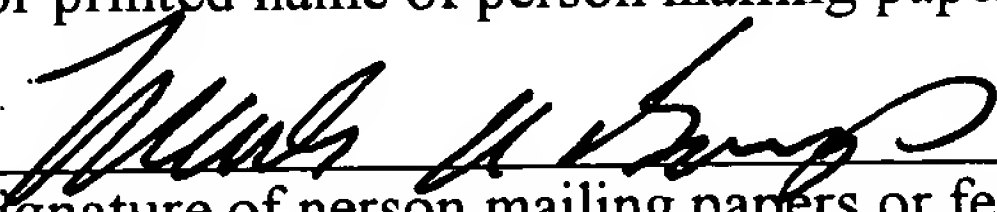
Title of Case: Methods and Apparatus for Background Memory Management

I hereby certify that the attached papers are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and addressed to the Commissioner of Patents and Trademarks, Washington D.C. 20231

1. Utility patent application transmittal.
2. 18 sheets of specification.
3. 3 sheets of drawings.
4. Fee transmittal.
5. Duplicate fee transmittal.
6. Declaration and Power of Attorney.
7. Verified Statement Claiming Small Entity.
8. Check for fees in the amount of \$420.00.
9. Certificate of express mailing.
10. Postcard listing contents.

Mark A. Boys

(Typed or printed name of person mailing paper or fee)


(Signature of person mailing papers or fee)

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**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN**

Docket Number (Optional)
P3814

Applicant or Patentee: Mario Nemirovsky, et al.
Application or Patent No.: NA
Filed or Issued: NA
Title: Methods and Apparatus for Background Memory Management

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN XStream Logic, Inc.

ADDRESS OF SMALL BUSINESS CONCERN 750 University Ave., Suite 270, Los Gatos, CA 95032-7698

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above.
☐ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

- Each person, concern, or organization having any rights in the invention is listed below:
☒ no such person, concern, or organization exists.
☐ each such person, concern, or organization is listed below.

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Mario Nemirovsky

TITLE OF PERSON IF OTHER THAN OWNER Chief Technical Officer

ADDRESS OF PERSON SIGNING 750 University Ave., Suite 270, Los Gatos, CA 95032-7698

SIGNATURE _____ DATE _____